

House File 2094 - Introduced

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BY WORTHAN

A BILL FOR

1 An Act relating to the possession of contraband in or on the
2 grounds of a community-based correctional facility, and
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 719.7, subsection 3, paragraphs a, b, and
2 c, Code 2018, are amended to read as follows:

3 a. Knowingly introduces contraband into, or onto, the
4 grounds of a secure facility for the detention or custody
5 of juveniles, detention facility, jail, community-based
6 correctional facility, correctional institution, or institution
7 under the management of the department of corrections.

8 b. Knowingly conveys contraband to any person confined in
9 a secure facility for the detention or custody of juveniles,
10 detention facility, jail, community-based correctional
11 facility, correctional institution, or institution under the
12 management of the department of corrections.

13 c. Knowingly makes, obtains, or possesses contraband while
14 confined in a secure facility for the detention or custody
15 of juveniles, detention facility, jail, community-based
16 correctional facility, correctional institution, or institution
17 under the management of the department of corrections, or while
18 being transported or moved incidental to confinement.

19 Sec. 2. Section 719.7, subsection 4, paragraph c, Code 2018,
20 is amended to read as follows:

21 c. An aggravated misdemeanor for failing to report a
22 known violation or attempted violation of [this section](#) to an
23 official or officer at a secure facility for the detention or
24 custody of juveniles, detention facility, jail, community-based
25 correctional facility, correctional institution, or institution
26 under the management of the department of corrections.

27 Sec. 3. Section 719.7, subsection 5, Code 2018, is amended
28 to read as follows:

29 5. Nothing in [this section](#) is intended to limit the
30 authority of the administrator of any secure facility for
31 the detention or custody of juveniles, detention facility,
32 jail, community-based correctional facility, correctional
33 institution, or institution under the management of
34 the department of corrections to prescribe or enforce
35 rules concerning the definition of contraband, and the

1 transportation, making, or possession of substances, devices,
2 instruments, materials, or other items.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to the possession of contraband in or on
7 the grounds of a community-based correctional facility, and
8 provides penalties.

9 The bill expands the facilities and institutions where a
10 person may commit the criminal offense of possessing contraband
11 to include a community-based correctional facility.

12 "Contraband" is defined under current law to include
13 controlled substances, intoxicating beverages, weapons,
14 explosives, knives or other cutting devices, items that may be
15 fashioned to cause death or injury, and items that may be used
16 to facilitate an escape.

17 A person commits a class "C" felony if the contraband is a
18 weapon, a class "D" felony if the contraband is a controlled
19 substance or intoxicating beverage, and an aggravated
20 misdemeanor if the contraband is an item that may be used to
21 facilitate an escape. A person also commits an aggravated
22 misdemeanor for failing to report a known violation or
23 attempted violation involving contraband to an official or
24 officer at a community-based correctional facility.

25 The bill, in part, is a response to the Iowa supreme court's
26 decision in State v. Halverson, 857 N.W.2d 632 (Iowa 2015),
27 which held that a person illegally possessing a controlled
28 substance at a community-based correctional facility does not
29 commit the criminal offense of possessing contraband because
30 a community-based correctional facility is not an institution
31 under the control of the department of corrections.

32 A class "C" felony is punishable by confinement for no more
33 than 10 years and a fine of at least \$1,000 but not more than
34 \$10,000. A class "D" felony is punishable by confinement for
35 no more than five years and a fine of at least \$750 but not

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1 more than \$7,500. An aggravated misdemeanor is punishable by
2 confinement for no more than two years and a fine of at least
3 \$625 but not more than \$6,250.